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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 THAD L. MOHR,

11 Petitioner,

12 v.

13 UNITED STATES OF AMERICA,

14 Respondent.
15

Case No. CV08-237-TSZ-JPD
CR00-83-TSZ

ORDER TRANSFERRING
§ 2255 MOTION

16 The Court, having reviewed petitioner's petition, together with all materials in support
17 of and in opposition to that document, the Report and Recommendation of United States
18 Magistrate Judge James P. Donohue, the governing law and balance of the record, does hereby
19 find and ORDER:

20 (1) The Court adopts the Report and Recommendation.

21 (2) This case is TRANSFERRED to the United States Court of Appeals for the
22 Ninth Circuit pursuant to 28 U.S.C. § 1631 and Circuit Rule 22-3(a). Petitioner is advised that
23 this transfer will not by itself constitute compliance with 28 U.S.C. § 2244(b)(3) and Circuit
24 Rule 22-3. He must still file an application for leave to proceed with the Ninth Circuit and
25 make the showing required by 28 U.S.C. § 2244(b)(2).
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(3) The Clerk is directed to close this case and transfer all original documents to the Ninth Circuit Court of Appeals. The Clerk is further directed to send a copy of this Order to petitioner, to counsel for respondent, and to Judge Donohue.

DATED this 21st day of October, 2008.

s/ Thomas S. Zilly

THOMAS S. ZILLY
United States District Judge